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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,553	10/12/2001	Chin-Tien Huang	TEH-7	1464

7590 12/17/2003

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EXAMINER

WINDMULLER, JOHN

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 12/17/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/976,553

Applicant(s)

HUANG ET AL.

Examiner

John Windmuller

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-10, 12-22, 24-29, 31-36, 38-41, 43, 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marocco '857 in view of Stevens. The device of Marocco '857 discloses the invention as claimed, including, inter alia, a body (Fig. 24, 220) defining a head rail opening (Fig. 24, 230), two blind slats openings (Fig. 24, 226, 228), a bottom rail opening (Fig. 24, 230 (bold type)), a plate (Fig. 18, 246) with a head rail aperture (Fig. 18, 260) and configured to cut the head rail, a linearly movable blade assembly (Fig. 18, 244) to cut the bottom rail and the blind slats, a manually operated drive mechanism (Fig. 19, 262, 264) to cause the plate to cut the head rail and cause the blade assembly to cut the bottom rail and the blind slats concurrently (col. 11, lines 24-47).

But Marocco '857 does not teach a *rotatable* plate with a head rail aperture and configured to cut the head rail. However, Stevens teaches a rotatable plate with a head rail aperture and configured to cut a rail (Fig. 4, D). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the device of

Art Unit: 3724

Marocco '857 with a rotatable plate with a head rail aperture and configured to cut the head rail as taught by Stevens to simplify the mechanism for cutting the head rail.

Regarding claims 2, 3, 15, 16, 31, 33, Marocco '857 teaches a blade housing (Fig. 24, 244), first blade for cutting the bottom rail having an open profile (Fig. 24, 254) along its cross sectional axis, second blade for cutting the blind slats (Fig. 24, 256).

Regarding claim 4, 17, 32, Marocco '857 teaches a first blade (Fig. 24, 254) configured to cut a bottom rail having a closed profile.

Regarding claims 7-9, 19-21, 26-28, 40, 41, Marocco '857 teaches a movable adjustable end guide adjacent to the body having an end guide lock (col. 11, lines 48-67).

Regarding claims 12, 24, Marocco '857 teaches a profile of the head rail aperture (Fig. 24, 230) that corresponds to the cross section of the head rail.

Regarding claims 13, 25, Marocco '857 teaches tooth like projections (Fig. 16, unlabeled, in opening 204).

3. Claims 11, 23, 30, 37, 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marocco '857 in view of Stevens as applied to claim 1 above, and further in view of Marocco '388. The modified device of Marocco '857 discloses the invention as claimed except a blind slats clamp. However, Marocco '388 teaches a blind slats clamp (Fig. 3, 74). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the modified device of Marocco '857 with a blind slats clamp as taught by Marocco '388 to compress the slats to provide cleaner cutting.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marocco '857 in view of Stevens as applied to claim 1 above, and further in view of Wang '557. The modified device of Marocco '857 discloses the invention as claimed except a blade cutting the bottom rail along its long cross sectional axis. However, Wang '557 teaches a blade cutting the bottom rail along its long cross sectional axis (Fig. 4, 28, 241). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the modified device of Marocco '857 with a blade cutting the bottom rail along its long cross sectional axis as taught by Wang '557 to provide better cutting of the U-shaped parts of the bottom rail.

5. Claims 10, 22, 29, 34, 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marocco '857 in view of Stevens as applied to claim 1 above, and further in view of Wang '172. The modified device of Marocco '857 discloses the invention as claimed except a support including at least one bracket and a first blade that is pointed for cutting the bottom rail. However, Wang '172 teaches a support including at least one bracket (Fig. 1, 45, 46) and a first blade that is pointed (Fig. 3, leftmost item 51) for cutting the bottom rail. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the modified device of Marocco '857 with a support including at least one bracket and a first blade that is pointed for cutting the bottom rail as taught by Wang '172 to provide easier cutting and workpiece handling.

Response to Arguments

6. Applicant's arguments, see pages 12-13, filed 9/30/03, with respect the Marocco '394 reference reading on claims 1-44, have been fully considered and are persuasive. The rejection of claims 1-44 has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Marocco '857.

Regarding Applicants arguments on page 14 regarding the Stephens reference, the device of Stephens is fully capable of cutting a head rail of a Venetian blind.

Regarding Applicants arguments on page 16 regarding the tooth like projections of the recess 204 of Marocco '394, which is the same as that in Fig. 16 of Marocco '857 currently applied, the tooth like projections are fully capable of cutting a head rail of a Venetian blind.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Windmuller whose telephone number is 703 305-4988. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703 308-1082. The fax phone number for the organization where this application or proceeding is assigned is 703 872-9302.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-1148.




Allan N. Shoap
Supervisory Patent Examiner
Group 3700